

REMARKS

Claims 1-4 and 7-12 are pending in the application. Claim 12 is herein added. No new matter has been added.

Support for claim 12 may be found in the as-originally filed specification, for example, page 14, line 26.

Claim Rejections - 35 USC § 103

Claims 1-4, 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. (US 6,300,404) in view of Burnell-Jones et al. (US 2003/0085383). Applicants respectfully traverse this rejection.

The presently claimed invention relates to a curable resin composition which comprises a polyoxyalkylene polymer (a) containing at least one reactive silyl group in each molecule, 5 to 50 parts by weight of a hydrocarbon-based plasticizer (b) per 100 parts by weight of (a) and 10 to 200 parts by weight of a needle crystal filler (c) on the same basis, wherein the needle crystal filler (c) is at least one member selected from the group consisting of sepiolite and wollastonite.

The presently claimed curable resin composition can be highly extruded from a cartridge and, even upon application thereof to vertical adherend surfaces, can exercise its initial fixability to fix the substrates in an instant. Namely, the presently claimed invention achieved both extrudability and initial fixability simultaneously. This is an unexpected result over the conventional art, wherein it was difficult to achieve both extrudability and initial fixability simultaneously.

On the other hand, Nishimura discloses a curable polymer composition comprising (A) an oxyalkylene polymer having a silicon-containing group and (B) a paraffinic hydrocarbon. The curable polymer composition of Nishimura achieves improved tack. As acknowledged by the Examiner in the Office Action, Nishimura does not disclose sepiolite or wollastonite. See Office Action, page 3. Nishimura does not disclose, teach, suggest or provide any reason for incorporating sepiolite or wollastonite as the specific needle crystal filler (c), which is a feature of the presently claimed invention.

Burnell-Jones discloses an electroluminescent polymer comprising thermosetting polyester, a suspending filler and an electroluminescent pigment. The electroluminescent polymer shows bright and long-lasting photoluminescent afterglow, strong thermostimulation of afterglow by heat and electroluminescent properties. Burnell-Jones discloses that wollastonite is used as a reinforcement to improve physical properties of plastics, such as strength and stiffness. The electroluminescent polymer of Burnell-Jones is completely different from the curable composition of the presently claimed composition. Therefore, it would not have been obvious to a skilled artisan at the time of invention to consider the disclosure of Burnell-Jones for achieving the presently claimed invention.

Nishimura uses an oxyalkylene polymer having a silicon-containing group, while Burnell-Jones uses an electroluminescent polymer comprising the thermosetting polyester. The object of Nishimura is to provide cured material having improved tack. On the other hand, the object of Burnell-Jones is to provide an electroluminescent polymer showing bright and long-lasting

photoluminescent afterglow, strong thermostimulation of afterglow by heat and electroluminescent properties.

One of ordinary skill in the art at the time of the invention would recognize that the polymers used, the objectives achieved and the field of the inventions of Nishimura are completely different from Burnell-Jones. Thus it would have been unobvious for a skilled artisan to combine the disclosure of the cited art in the manner urged by the Examiner. One skilled in the art, who uses a sealant containing the oxyalkylene polymer having a silicon-containing group, would have no reason to combine such technology with the disclosure of Burnell-Jones, which is directed towards an electroluminescent polymer. For at least these reasons, it would not have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosure of Nishimura with Burnell-Jones.

Furthermore, in Burnell-Jones, wollastonite is only used as a reinforcement to improve strength and stiffness of plastics. However, Burnell-Jones discloses that silica, used as a suspending filler, may be used for rheological and thixotropic effects. See Burnell-Jones, paragraph [0109]. Therefore, in Burnell-Jones, silica, not wollastonite, is used for rheological and thixotropic effects. Thus, Burnell-Jones does not disclose, teach, suggest or provide any reason for using wollastonite in the composition of Nishimura.

Therefore, even if the cited references were combined, one of ordinary skill in the art would have no reason to add wollastonite to the curable resin composition.

Thus, Nishimura and Burnell-Jones, either individually or in combination with one another, fail to disclose, teach, suggest or provide any reason for achieving the presently claimed invention, wherein the curable resin composition is able to achieve excellent effects in having both extrudability and initial fixability simultaneously.

Therefore, the presently claimed invention would not have been obvious to one skilled in the art from the disclosure of Nishimura in view of Burnell-Jones. Favorable reconsideration is earnestly solicited.

Claim Rejections - 35 USC § 103

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. (US 6,300,404) in view of Burnell-Jones et al. (US 2003/0085383) and Brown (US 5,208,629). Applicants respectfully traverse this rejection.

Brown discloses a process of making a low density reinforced reaction injection molded (RRIM) composite having wollastonite fibers dispersed throughout a matrix, comprising reacting polyisocyanates with a polyoxyalkylene polyether polyol composition. Brown discloses that wollastonite is used as a reinforcing fiber in order to improve flexural modulus and tensile strength.

The RRIM composite of Brown is completely different from the curable composition of the presently claimed invention. Therefore, it would not have been obvious to a skilled artisan at the time of invention to consider the disclosure of Brown for achieving the presently claimed

invention. Moreover, Brown does not disclose, teach, suggest or provide any reason for using wollastonite in the composition of Nishimura.

Therefore, the deficiencies of Nishimura in view of Burnell-Jones are not overcome by the disclosure of Brown. Thus, the presently claimed invention is unobvious over the cited art. Favorable reconsideration is earnestly solicited.

Claim Rejections - 35 USC § 103

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. (US 6,300,404) in view of Burnell-Jones et al. (US 2003/0085383) and Okamoto et al. (US 6,183,551). Applicants respectfully traverse this rejection.

Okamoto discloses a curable resin composition comprising (A) saturated hydrocarbon polymer having at least one hydroxyl or hydrolyzable group and (B) a hydrogenated oligomer of a linear α -olefin. Okamoto does not disclose, teach, suggest or provide any reason for using sepiolite or wollastonite as the specific needle crystal filler (c), as recited in the presently claimed invention.

Therefore, the deficiencies of Nishimura in view of Burnell-Jones are not overcome by the disclosure of Okamoto. Thus, the presently claimed invention is unobvious over the cited art. Favorable reconsideration is earnestly solicited.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Application No.: 10/595,913
Art Unit: 1796

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 062452

Should the Examiner deem that any further action by applicant would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Bernadette K. McGann", with a long horizontal flourish extending to the right.

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